

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE GILES,

Defendant.

**8:06CR116**

**ORDER ON  
INITIAL REVIEW**

This matter is before the Court on defendant Dale Giles's ("Giles") *pro se* Motion for Sentence Reduction (Filing No. 1041) under 18 U.S.C. § 3582(c)(1)(A). That statute authorizes Giles to move the Court to reduce his sentence for "extraordinary and compelling reasons" thirty days after the warden of the facility where he is incarcerated receives a request to file such a motion on his behalf.

Giles reports his warden denied his request to file such a motion on February 24, 2024. As grounds for relief, Giles cites his efforts at rehabilitation, his youth at the time of his offense and current age, a change in the law, and severity in sentencing.

Based on its initial review of Giles's motion and supporting brief, the Court finds he has potentially raised a colorable claim under § 3582(c)(1)(A)(i). The Court further finds that appointing counsel will aid the Court in determining whether the totality of Giles's circumstances warrant granting any sentencing relief. Accordingly,

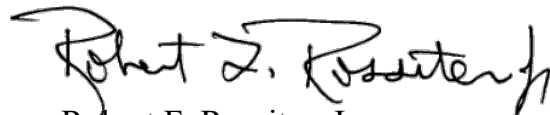
**IT IS ORDERED:**

1. The Federal Public Defender for the District of Nebraska is appointed to represent Giles for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his term of imprisonment.

2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender should conclude that Giles's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The United States Probation and Pretrial Services Office is directed to investigate Giles's request for a sentence reduction and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Giles's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Giles's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Giles's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 22nd day of May 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge